

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

OCA-GREATER HOUSTON, ET AL.,

§

Plaintiffs,

§

v.

§

TEXAS SECRETARY OF STATE JOSE A.
ESPARZA (ACTING), IN HIS OFFICIAL
CAPACITY, ET AL.,

§

Defendants.

§

Case No. 1:21-cv-780

**STATE DEFENDANTS' NOTICE OF MOTION TO CONSOLIDATE
IN RELATED CASE**

State Defendants provide notice to the Court that this lawsuit is one of four lawsuits filed in this District challenging the same Senate Bill 1. The other three cases are *La Unión del Pueblo Entero v. Abbott*, No. 5:21-cv-844 (W.D. Tex.) (September 3, 2021); *Houston Justice v. Abbott*, No. 5:21-cv-848 (W.D. Tex.) (Sept. 7, 2021); and *LULAC Texas v. Esparza* (W.D. Tex.) (Sept. 7, 2021). Pursuant to the Fifth Circuit's first-to-file rule, State Defendants filed the Partially-Opposed Motion to Consolidate attached hereto as Exhibit A in the first case that was filed, *La Unión del Pueblo Entero v. Abbott*, No. 5:21-cv-844 (W.D. Tex.) (hereinafter, *LUPE*). As explained in State Defendants' Motion, as the court where suit was first filed, it is the duty of the *LUPE* court to determine if the issues presented in these cases substantially overlap and, if they do, what to do with the subsequently-filed cases. *Mann Mfg. Inc. v. Hortex, Inc.*, 439 F.2d 403, 408 (5th Cir. 1971).

Date: September 14, 2021

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Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

Respectfully submitted.

/s/ Patrick K. Sweeten
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**Application for Admission Forthcoming*

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**COUNSEL FOR DEFENDANTS TEXAS SECRETARY
OF STATE JOSE A. ESPARZA, IN HIS OFFICIAL
CAPACITY, AND TEXAS ATTORNEY GENERAL KEN
PAXTON, IN HIS OFFICIAL CAPACITY**

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on September 14, 2021, and that all counsel of record were served by CM/ECF.

/s/ Patrick K. Sweeten
PATRICK K. SWEETEN